



March 6, 2025

Smart Choice Transport Ltd.  
34565 Delair Road  
Abbotsford, BC V2S 21

### **Order to Comply – Smart Choice Transport Ltd.**

#### **Background**

1. Smart Choice Transport Ltd. (“Smart Choice”) is a licensee within the meaning of the *Container Trucking Act* (“Act”).
2. Under sections 22 and 23 of the *Act*, minimum rates that licensees must pay to truckers who provide container trucking services are established by the Commissioner (“Rate Order”), and a licensee must comply with those rates. In particular, section 23(2) states:

A licensee who employs or retains a trucker to provide container trucking services must pay the trucker a rate and a fuel surcharge that is not less than the rate and fuel surcharge established under section 22 for those container trucking services.
3. Section 24 of the *Container Trucking Regulation* (“Regulation”) requires a licensee to pay remuneration to directly employed operators (“company drivers”) within 8 days after a pay period and independent operators (“IO”) no later than 30 days after the end of the calendar month in which the IO performed the container trucking services.
4. On or around January 2025, IOs working at Smart Choice (“Complainants”) complained to the Office of the BC Container Trucking Commissioner (“OBCCTC”) that they had not received any wages from Smart Choice for container trucking services performed in December 2024.
5. Smart Choice advised the OBCCTC that at some point in November 2024 it had changed the pay period for IOs from weekly to monthly. Therefore, the IOs would receive their payment for December 2024 no later than January 30, 2025 in accordance with section 24(2) of the *Regulation*. Smart Choice did not change its weekly pay periods for company drivers.
6. On February 26, 2025, the OBCCTC confirmed that Smart Choice paid its IOs for work performed in December 2024 on February 18, 2025 and February 24, 2025. Additionally, Smart Choice advised that some of its company drivers were not paid within 8 days of the end of the pay period for work performed in (December, January, and February). Smart

Choice advised that there were delays in paying its drivers due to its accounts receivables being delayed due to the Canada Post labour dispute.

7. On March 4, 2025, the OBCCTC confirmed that some Smart Choice's company drivers were still owed wages for work performed in January and February 2025.
8. On March 5, 2025, Smart Choice advised the auditor that truckers had not been paid for work performed between January 12 and February 8, 2025 for company drivers and between January 1 and January 31, 2025 for IOs and provided the auditor with a breakdown of wages owed to each company driver and IO in each pay period. The total outstanding wages per pay period as of March 5, 2025 as reported by Smart Choice are as follows:

| <b>Pay Period</b>                   | <b>Total Gross Payroll not paid to Drivers</b> | <b>Type of Drivers</b> | <b>Payment Deadline<sup>1</sup></b> | <b>Payment Made by Smart Choice</b> |
|-------------------------------------|--|------------------------|-------------------------------------|-------------------------------------|
| January 1-31, 2025                  | \$50,673.58                                    | I/O                    | March 2, 2025                       | No payments made to date            |
| January 12 - 18, 2025               | \$13,607.08                                    | Company                | January 26, 2025                    | No payments made to date            |
| January 19 - 25, 2025               | \$19,775.26                                    | Company                | February 2, 2025                    | No payments made to date            |
| January 26, 2025 - February 1, 2025 | \$14,166.69                                    | Company                | February 9, 2025                    | No payments made to date            |
| February 2 - 8, 2025                | \$15,929.61                                    | Company                | February 16, 2025                   | No payments made to date            |
| <b>Total</b>                        | <b>\$114,152.22</b>                            |                        |                                     |                                     |

9. Based on the information provided, I am satisfied that Smart Choice has failed to pay its drivers the minimum regulated rates in accordance with section 24 of the *Regulation*.
10. Under other circumstances Smart Choice would have an opportunity to respond to the Audit Report before I issued any order. However, because Smart Choice has confirmed the amount owing, and because that amount represents approximately half of Smart Choice's security, it is important that I address this immediately. Smart Choice will have an opportunity to respond to the Audit Report and I will consider its response in any decision I issue.

---

<sup>1</sup> Section 24(2) of the *Container Trucking Regulation*

**Order to Comply**

11. Pursuant to section 9 of the *Act*, I order Smart Choice to provide the OBCCTC with wage statements and cheques issued to each of the unpaid drivers whose outstanding wages are captured in the table above no later than March 12, 2025.
12. If Smart Choice fails to provide the OBCCTC with the individual wage statements and cheques required by my Order by the deadline, or if the cheques provided cannot be cashed, I will proceed to call on Smart Choice's security bond.
13. If the Commissioner intends to propose an administrative penalty based on Smart Choice's failure to comply with the *Act, Regulation, licence* or this Order, a penalty will be proposed in accordance with section 34 of the *Act* and after Smart Choice has had an opportunity to respond to the Audit Report.
14. This Order will be delivered to Smart Choice and published on the Commissioner's website ([www.obcctc.ca](http://www.obcctc.ca)).

Dated at Vancouver, B.C. this day of March 6, 2025

Sincerely,

**OFFICE OF THE BRITISH COLUMBIA CONTAINER TRUCKING COMMISSIONER**

A handwritten signature in blue ink that reads "Glen MacInnes". The signature is written in a cursive style with a large initial 'G'.

Glen MacInnes  
Commissioner